

REMARKS

Claims 14-16, 21-28 and 31-45 are pending in this application. Claims 16, 24, 25, 27, 28, 38 and 39 are amended.

The Claimed Invention

An exemplary embodiment of the invention, as recited by independent claim 14, is directed to a refrigerating unit for installing in a furniture niche, the refrigerating unit comprising a body and a door that enclose a thermally insulated inside compartment, the door being pivotally mounted to the body for pivotal movement about an axis between an open and a closed position, the door projecting beyond a front edge of the furniture niche when the refrigerating unit is installed in the furniture niche.

Another exemplary embodiment of the invention, as recited by independent claim 27, is directed to a refrigerating unit with a door that is adapted for projecting beyond a front edge of the furniture niche when the door is in the closed position and the refrigerating unit is installed in the furniture niche.

Yet another exemplary embodiment of the invention, as recited by independent claim 37, is directed to a refrigerating unit and furniture niche combination where the refrigerating unit has a door that projects beyond a front edge of the furniture niche when the door is in the closed position and the refrigerating unit is installed in the furniture niche.

Built-in refrigerators often have a shallower depth than traditional free standing refrigerators so that they blend in with the surrounding cabinets. This leads to a smaller internal volume compared to a traditional free standing refrigerator of a given frontal area. The receiving area feature of claims 27 and 37 provides additional refrigerated space, which can be very beneficial to shallow built-in refrigerating units.

Some conventional refrigerating units that are for installing in a furniture niche have a door that is mounted to the furniture niche and not the body of the refrigerating

unit. Other conventional refrigerating units do not have the door projecting beyond a front edge of the furniture niche.

An object of the invention is to provide a built-in refrigerating unit whose built-in location in a furniture front can be easily identified. Another object of the invention is to provide a built-in refrigerating unit where a large volume of the inside compartment can be achieved without loss of insulation quality.

Both of these objects are achieved by a refrigerating unit with a door that includes a receiving area that is outside of the body inside area when the door is in the closed position, with the door projecting beyond a front edge of the furniture niche when the door is in the closed position and the refrigerating unit is installed in the furniture niche.

Figure 1

The Office Action rejected claim 14 under 35 U.S.C. §102(b) as being unpatentable over the admitted prior art shown in Figure 1. Applicants respectfully traverse the rejection.

Claim 14 includes the feature of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that in the closed position the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Figure 1 does not show cupboard elements adjacent to the furniture niche of the refrigerating unit.

In view of the foregoing, Applicants respectfully submit that Figure 1 does not disclose each and every feature of claim 14 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The Osborn Reference

The Office Action rejected claim 14 under 35 U.S.C. §102(b) as being unpatentable over “Finding the Right Refrigerator” by Roe Osborn. Applicants respectfully traverse the rejection.

Claim 14 includes the feature of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that in the closed position the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Osborn does not show cupboard elements adjacent to the furniture niche of the refrigerating unit.

In view of the foregoing, Applicants respectfully submit that Osborn does not disclose each and every feature of claim 14 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The Alexander Reference

The Office Action rejected claim 14 under 35 U.S.C. §102(b) as being unpatentable over “Hide that Ugly Refrigerator” by Rex Alexander. Applicants respectfully traverse the rejection.

Claim 14 includes the feature of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that in the closed position the door projects far enough that the decorative panel covering the door

projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Alexander does not show cupboard elements adjacent to the furniture niche of the refrigerating unit.

In view of the foregoing, Applicants respectfully submit that Alexander does not disclose each and every feature of claim 14 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The de Marsillac Plunkett Reference

The Office Action rejected claim 14 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 6,079,216 to de Marsillac Plunkett. Applicants respectfully traverse the rejection.

Claim 14 includes the feature of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that in the closed position the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, de Marsillac Plunkett does not show cupboard elements adjacent to the furniture niche of the refrigerating unit.

In view of the foregoing, Applicants respectfully submit that de Marsillac Plunkett does not disclose each and every feature of claim 14 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The Mun Reference

The Office Action rejected claim 14 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 4,790,146 to Mun. Applicants respectfully traverse the rejection.

Claim 14 includes the feature of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that in the closed position the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Mun does not show cupboard elements adjacent to the furniture niche of the refrigerating unit.

In view of the foregoing, Applicants respectfully submit that Mun does not disclose each and every feature of claim 14 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The Cherry Reference

The Office Action rejected claim 14 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,358,326 to Cherry. Applicants respectfully traverse the rejection.

Claim 14 includes the features of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that in the closed position the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, Cherry does not show a furniture niche. Further, Cherry does not show a door that projects beyond a front edge of the furniture niche. Cherry specifically states that its invention fills a need for flexible mounting arrangements so that the front of the refrigerator is essentially even with the front of the adjacent kitchen counters and cabinets.

In view of the foregoing, Applicants respectfully submit that Cherry does not disclose each and every feature of claim 14 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The King Reference

The Office Action rejected claims 14, 23-28 and 31-36 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 2,728,203 to King. Applicants respectfully traverse the rejection.

Claim 14 includes the features of the door being mounted to the body and projecting beyond a front edge of the furniture niche. As defined by the specification in paragraph 007, “projecting beyond a front edge of the furniture niche” means that in the closed position the door projects far enough that the decorative panel covering the door projects further than the doors of cupboard elements adjacent to the furniture niche of the refrigerating unit.

In contrast, King does not show a furniture niche. Further, King does not show a door that projects beyond a front edge of the furniture niche. In fact, the Office Action itself admits that King does disclose “the refrigerator installed in a niche and the relationship of the refrigerator to the niche” (paragraph 10 on page 5 of the Office Action). As a result, King does not disclose each and every feature of claim 14 and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. Further, Applicants submit that nothing in King suggests that the refrigerator of King is for installing in a furniture niche or any positional relationship between the door and a furniture niche.

Claim 27 includes the features of the refrigerating unit being for installing in a furniture niche and the door being adapted for projecting beyond a front edge of the furniture niche when the door is in the closed position and the refrigerating unit is installed in the furniture niche.

In contrast, as admitted by the Office Action in paragraph 10, King does not disclose “the refrigerator installed in a niche and the relationship of the refrigerator to the niche.” As a result, King does not disclose each and every feature of claim 27 and, therefore, rejection under 35 U.S.C. §102(b) is inappropriate. Further, Applicants submit that nothing in King suggests that the refrigerator of King is for installing in a furniture niche or any positional relationship between the door and a furniture niche.

Claims 23-26, 28 and 31-36 depend from claim 27.

Claim 24 includes the feature of the decorative panel being removable from the door. In contrast, the Office Action defined decorative panel (outer wall 14) of door 10 of King is part of the door itself and does not “cover the door”, as recited in claim 24. Also, outer wall 14 is not removable from the door as it and inner wall 15 encapsulate insulation 16.

Claim 28 includes the feature of the door being adapted for projecting beyond a front face of a cabinet door adjacent to the refrigerating unit in the furniture niche when the door is in the closed position. In contrast, as admitted by the Office Action in paragraph 10, King does not disclose “the refrigerator installed in a niche and the relationship of the refrigerator to the niche.” Further, King does not disclose anything regarding a cabinet door adjacent to the refrigerating unit.

Claim 33 includes the feature of the protruding edge of the door being in between the axis and the front edge of the body. In contrast, King does not show a pivot axis of door 10. Further, King does not suggest any particular location of a pivot axis of door 10.

In view of the foregoing, Applicants respectfully submit that King does not disclose each and every feature of claims 14, 23-28 and 31-36 and, therefore, rejection under 35 USC §102(b) is inappropriate. As a result, Applicants respectfully request

withdrawal of the rejection.

The King Reference in view of the Alexander Reference

The Office Action rejected claims 15, 16, 21, 22 and 37-45 under 35 U.S.C. §103(a) as being unpatentable over King in view of Alexander. Applicants respectfully traverse the rejection.

A stated purpose of the receiving area in the door of claim 37 is to provide additional refrigerated space to built-in refrigerators that often have a shallower depth than traditional free standing refrigerators. The refrigerator of Alexander is a traditional free standing refrigerator. As a result, there would have been no motivation to add a door having the claimed receiving area to the refrigerator of Alexander. The door 10 of the refrigerator of King is configured the way it is to provide a freezer compartment in door 10, with access through second door 31. The refrigerator of Alexander has a separate freezer having its own door and, as a result, would have no need for the door configuration of King.

Claim 37 includes the feature of the door projecting beyond a front edge of the furniture niche when the door is in the closed position and the refrigerating unit is installed in the furniture niche.

The Office Action asserts that Alexander shows the door projecting slightly in front of the edge of the niche. Applicants disagree with this assertion. Applicants submit that the photographs in Alexander show the doors flush with the front edge of the cabinet. Also, Alexander specifically states that “with $\frac{3}{4}$ in. to 1 in. spacing around the unit, my cabinet can be flush with the door” (page 73, first column). Alexander then goes on to explain that some doors open with the thickness of the door extending beyond the sides of the unit and how to leave space in the cabinet so that the door can open fully. This explanation is appropriate for the case where the cabinet is flush with the door and supports Alexander’s stated purpose of keeping the cabinet flush with the door. As a result, Applicants submit that nothing in Alexander suggests the door projecting beyond a

front edge of the furniture niche when the door is in the closed position and the refrigerating unit is installed in the furniture niche.

Claims 15, 16, 21, 22 and 38-45 depend from claim 37.

Claim 16 includes the feature of the front edge of the body of the refrigerating unit being flush with the front edge of the furniture niche. The Office Action asserts that the body of the refrigerating unit in Alexander is capable of being flush with the edge of the niche. Applicants submit that Alexander does not suggest the front edge of the body of the refrigerator being flush with the front edge of the cabinet. Applicants further submit that Alexander teaches away from building the cabinet such that the front edge of the body of the refrigerator is flush with the front edge of the cabinet because such a construction would result in the door not being flush with the front edge of the cabinet. This would prevent achieving a stated goal of Alexander. Alexander specifically states that "with $\frac{1}{4}$ in. to 1 in. spacing around the unit, my cabinet can be flush with the door" (page 73, first column). Alexander then goes on to explain that some doors open with the thickness of the door extending beyond the sides of the unit and how to leave space in the cabinet so that the door can open fully. This explanation is appropriate for the case where the cabinet is flush with the door and supports Alexander's stated purpose of keeping the cabinet flush with the door. As a result, Applicants submit that nothing in Alexander suggests doing anything that would result in the door not being flush with a front edge of the furniture niche when the door is in the closed position and the refrigerating unit is installed in the furniture niche.

Claim 21 includes the feature of a decorative end portion being disposed on an outer side of the door which ends flush with the front of the furniture niche. Because the door in Alexander is flush with the front edge of the cabinet, it would not be possible to have an end portion of the door that ends flush with the front of the cabinet. Since the door in Alexander is flush with the front edge of the cabinet, any end portion of the door would be inside the cabinet.

Claim 38 includes the feature of the inside compartment projecting over the front

edge of the furniture niche when the door is in the closed position. This feature could not exist in any combination including Alexander because the door is flush with the front edge of the furniture niche and, therefore no compartment inside the door could project over the front edge of the furniture niche.

Claim 42 includes the feature of the protruding edge of the door being in between the axis and the front edge of the body. Neither King nor Alexander shows a pivot axis of their respective doors.

In view of the foregoing, Applicants respectfully submit that the combination of King and Alexander does not teach or suggest the features of claims 15, 16, 21, 22 and 37-45 and, therefore, rejection under 35 USC §103(a) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

The Guertin Reference in view of the King Reference

The Office Action rejected claims 14-16, 21-28 and 31-45 under 35 U.S.C. §103(a) as being unpatentable over “Faux Fridge Front” by Mike Guertin in view of King. Applicants respectfully traverse the rejection.

The Office Action asserts that it would have been obvious to use the refrigerator of King as the base refrigerator and then add the decorative panel onto that in the location as taught by Guertin. Applicants disagree with this assertion. The refrigerator of King has a door 10 that is rounded (at least) at the top and the bottom (as shown in Fig. 1). Applicants submit that due to the non-flat shape of the door 10 of King, it would not have been obvious to add a decorative panel to door 10, especially the decorative panel shown in Guertin. The decorative panel shown in Guertin is attached to the refrigerator door by sliding it over the refrigerator door in a downward direction. Such an attachment method would not have been obvious, and may not even be possible, with a refrigerator door that is not flat.

Applicants further submit that combining the Office Action defined receiving area in the door of King with the refrigerator and niche of Guertin would not have been

obvious because such a combination would result in a thicker refrigerator door. Guertin states that a drawback to its system is that the refrigerator sticks out slightly into the room (col. 3, page 53). Since Guertin sees the refrigerator sticking out into the room as a drawback, it would not have been obvious to make the refrigerator stick out even more by adding a thicker door.

A stated purpose of the receiving area in the door of claim 27 is to provide additional refrigerated space to built-in refrigerators that often have a shallower depth than traditional free standing refrigerators. The refrigerator of Guertin is a traditional free standing refrigerator. As a result, there would have been no motivation to add a door having the claimed receiving area to the refrigerator of Alexander. The door 10 of the refrigerator of King is configured the way it is to provide a freezer compartment in door 10, with access through second door 31. The refrigerator of Guertin has a separate freezer having its own door and, as a result, would have no need for the door configuration of King.

Independent claims 27 and 37 include the feature of the receiving area of the door being outside of the body inside area when the door is in the closed position. Such doors are necessarily thicker than conventional refrigerator doors. Adding such a door to Guertin would make the decorative panel stick out farther into the room, which, as stated above, is considered a drawback by Guertin. As a result, Applicants submit that it would not have been obvious to add such a door to the refrigerator of Guertin.

Claim 15 includes the feature of the body of the refrigerating unit having its front edge behind the front edge of the furniture niche. It is unclear from the photos and text of Guertin exactly where the front edge of the body of the refrigerator is located. Applicants submit that Guertin does not show a front edge of the body of the refrigerator being behind a front edge of the niche. Further, there is nothing in Guertin that suggests that the front edge of the body of the refrigerator is behind the front edge of the niche.

Claim 16 includes the feature of the front edge of the body of the refrigerating unit being flush with the front edge of the furniture niche. It is unclear from the photos

and text of Guertin exactly where the front edge of the body of the refrigerator is located. Applicants submit that Guertin does not show a front edge of the body of the refrigerator being flush with a front edge of the niche. Further, there is nothing in Guertin that suggests that the front edge of the body of the refrigerator is flush with the front edge of the niche.

Claim 21 includes the feature of a decorative end portion being disposed on an outer side of the door which ends flush with the front of the furniture niche. It is unclear from the photos and text of Guertin exactly where the front edge of the body of the refrigerator is located. Applicants submit that Guertin does not show a front edge of the body of the refrigerator being flush with a front edge of the niche. Further, there is nothing in Guertin that suggests that the front edge of the body of the refrigerator is flush with the front edge of the niche. As a result, even if Guertin disclosed decorative end portions (and Applicants submit that it does not) there is nothing in Guertin that suggests such decorative end portions end flush with the front of the niche.

Claim 26 includes the feature of a plurality of doors of different depth which can be mounted on the body. Neither King nor Guertin teaches or suggests a plurality of doors of different depth which can be mounted on the body.

Claims 33 and 42 include the feature of the protruding edge of the door being in between the axis and the front edge of the body. Neither King nor Guertin teaches or suggests a location of the axis. Further, neither King nor Guertin teaches or suggests the protruding edge of the door being between the axis and the front edge of the body.

In view of the foregoing, Applicants respectfully submit that the combination of Guertin and King does not teach or suggest the features of claims 14-16, 21-28 and 31-45 and, therefore, rejection under 35 USC §103(a) is inappropriate. As a result, Applicants respectfully request withdrawal of the rejection.

CONCLUSION

In view of the above, entry of the present Amendment and allowance of claims 14-16, 21-28 and 31-45 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

/Andre Pallapies/

Andre Pallapies
Registration No. 62,246
July 22, 2010

BSH Home Appliances Corporation
100 Bosch Blvd.
New Bern, NC 28562
Phone: 252-672-7927
Fax: 714-845-2807
andre.pallapies@bshg.com